



*John T. Aubberger
Supervisor*

TOWN OF GREECE

PLANNING BOARD MINUTES

JUNE 16, 2010

THE MEETING BEGAN AT 7:00 P.M.

PRESENT

Alvin I. Fisher, Jr., Chairman
Brian E. Marianetti
Grace L. Plouffe
William E. Selke
Christopher A. Schiano, Deputy Town Attorney
Scott R. Copey, Clerk of the Planning Board
John Gauthier, P.E., Associate Engineer
Linda R. Lamb, Planning Board Secretary

ABSENT

Alfred S. Ancello
Christine R. Burke
Michael H. Sofia

ADDITIONS, DELETIONS AND CONTINUANCES TO THE AGENDA

ANNOUNCEMENTS

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PUBLIC HEARINGS

None

SITE PLANS

Old Business

1. Applicant: Bayfront Ventures/SB Ashley LLC

Location: 700 Pond View Heights (off 225 Long Pond Road)
Request: Site plan approval for 77 townhome style apartments, with related parking, utilities, and landscaping on approximately 10.5 acres
Zoning District: RMH (Multi-Family Residential)
Mon. Co. Tax No.: 034.01-1-2.1

The following is a synopsis of the discussion pertaining to the above-referenced request:

Jess Sudol, Passero Associates, and Mark Stevens, SB Ashley LLC, presented the application.

Mr. Sudol: We are here tonight for site plan approval for 77 townhome style apartments on approximately 10 acres off Long Pond Road just north of the Lake Ontario State Parkway. This is our fourth appearance before this Board; we have made good progress relative to our application. When last we met, there were a few outstanding issues. I will touch on those and provide plans for resolution. The sanitary sewer system and storm water management have both been issues. They have been resolved to the Board's satisfaction and that resolution is documented in previous meeting minutes. Early on, the Board indicated the potential need for a temporary boat storage area on-site near the boat launch. We do not allow any permanent boat storage on-site; however, we did see the need for vehicle and trailer storage while boats were out on the water. We have added 35-foot-deep parking stalls by the pavilion to accommodate that need. The last issue related to the requirement for sidewalks along the Long Pond Road frontage. That requirement was questionable in this case, because there are no dedicated roads in this development and the area of this development does not front on any public right of way. Because of this, we requested an interpretation from the Town. The Town has indicated the requirement is applicable because the access road comes out onto Long Pond through an access easement. The Town has stated we will be required to install sidewalks along the frontage or request a waiver of this requirement from the Town Board. We understand what is being asked of us and will pursue the waiver process. The reason for our position is there are no other sidewalks in the area; if we were to install sidewalks, they would not connect to anything. Most important, Long Pond Road has an asphalt shoulder and then drops off quickly about six to eight feet. To install a sidewalk would be difficult, if not impossible. We are looking to get into the ground as soon as possible. Everything is in place to take this forward. If we obtain approval this evening, we would be looking at getting started in the next four to six weeks.

Mr. Copey: A few recent comments have come through from the Fire Marshal and Building Department which the applicant indicates he does not have an issue with. The Tree Council has requested review of plant species prior to final approval. For the Board's information, the sidewalk policy has been reviewed by me with Gary Tajkowski, Director of Development Services, Ray DiRaddo, Town Attorney, Cindy Ziarko, Chief Engineer, and Patricia Anthony,

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Town Clerk. The Town Attorney feels the sidewalk policy does apply because the applicant's new Long Pond Road access driveway for this project extends across the neighboring property and that includes the other property that comprises the Long Pond Shores apartments. There is a waiver process that the applicant can pursue.

Mr. Gauthier: We haven't reviewed your recent submittal. You will be getting a few additional comments from the Department of Public Works. However, our Chief Engineer has determined the changes aren't of a magnitude to hold up the approval of this project. The drainage report submitted in April did not have the most recent third infiltration pond data. I assume that you will be updating that?

Mr. Sudol: Yes, we have to update the mottling.

Mr. Fisher: Let the record show that there are no residents present for the public hearing.

Mr. Selke: The word "premise" in condition 19 relating to the sidewalks, how is that to be defined?

Mr. Schiano: The sidewalks would be in front of the current apartments. The two parcels, existing and new, are separate, owned by different corporations with similar partners in each. It would be best to define "premises" for sidewalk location purposes as extending from driveway to driveway along the frontage of the existing development.

Mr. Selke: What will happen if someone keeps their boat in those parking stalls? Are you creating a storage situation allowing those spots there? Will the stalls be marked in some way as temporary?

Mr. Sudol: The parking stalls and boat launch are for use by residents only. As part of the lease agreement, it states that there is no boat storage allowed on the property. Therefore, it becomes a property management issue and will be enforced.

Mr. Selke: I was out to the site and noticed that the new driveway, next to Bernard's Grove, has a significant drop-off. If someone were to go off the road, especially in icy conditions, they could go down into an existing apartment building. What safety measures will be put into place?

Mr. Sudol: That corner of the building that you refer to sits four to six feet lower than the driveway. We surveyed the area to make sure that we had enough area to put the driveway in. Early on, the Board requested that we angle the new driveway to the south to separate it from the entrance to Bernard's Grove. We could not do that, precisely because of what you are talking about. We have an approximately 5-foot-wide shoulder adjoining the 20-foot-wide roadway. The embankment is on the driveway as you are leaving the development, rather than entering, which is the better scenario.

Mr. Copey: You have had discussions with the Monroe County Department of Transportation about that.

Mr. Sudol: Yes, we have had.

Mr. Selke: You don't think a railing would be of advantage?

Mr. Sudol: We have done a timber guide rail in the past. One small section, maybe 24 feet long, is impacted and we could put in 8-inch x 8-inch posts that, when built, are substantial.

Mr. Fisher: I think that it is an issue that needs to be addressed and it should be a condition of the approval. Is there a plan to assure viability of the new filtering system?

Mr. Gauthier: Yes, that is part of their storm water maintenance agreement.

Mr. Fisher: There was a comment from Cindy Ziarko about the entrance road being close to first T- intersection. Has that been resolved?

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Mr. Gauthier: The Traffic Advisory Committee looked at the plans this past Monday, June 14th, and are okay with the plans.

Mr. Sudol: I want to make sure that we could use one pump station for both parcels and use the second pump station as a backup, if that were allowed without incurring the dollar amount associated with a minor improvement plan.

Mr. Copey: One pump station could be allowed if the New York State Department of Environmental Conservation changed the regulations or if the applicant combined the parcels.

Mr. Gauthier: We absolutely do not want the situation to arise where a new owner comes in and places the Town in a situation where we would have to take ownership of the pump station. I'd rather not leave the question open, if we can avoid that.

Mr. Fisher: Is there a way to write the condition so they do not have to come back for a minor improvement plan approval? You are not objecting to the fact that it is dedicated but you want to be able to modify if the regulation changes or the parcel is combined?

Mr. Copey: Let's modify the conditions to add "so long as it is required by Public Health Law regulations."

Motion by Mr. Selke, seconded by Ms. Plouffe

WHEREAS, Bayfront Ventures/SB Ashley LLC (the "Applicant") has submitted a proposal to the Town of Greece Planning Board (the "Planning Board") for approval of a site plan, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 700 Pond View Heights, off 225 Long Pond Road (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

1. Upon review of the Proposal, the Planning Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
2. The Planning Board has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Planning Board's consideration.
4. The Planning Board carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Planning Board carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Planning Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but

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not limited to the Monroe County Department of Planning and Development, the Monroe County Department of Environmental Services, the Town of Greece Environmental Board, and the Town's own staff.

7. The Planning Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Planning Board as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Planning Board has met the procedural and substantive requirements of SEQRA.
10. The Planning Board carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Planning Board carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Planning Board concurs with the information and conclusions contained in the Environmental Analysis.
13. The Planning Board has made a careful, independent review of the Proposal and the Planning Board's determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Planning Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Planning Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

VOTE:	Ancello	- absent	Burke	- absent
	Marianetti	- yes	Plouffe	- yes
	Selke	- yes	Sofia	- absent
			Fisher	- yes

MOTION CARRIED
SEQRA DETERMINATION
NEGATIVE DECLARATION

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Mr. Selke then made the following motion, seconded by Ms. Plouffe, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. The Town's *2001 Community Master Plan Update* (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of these apartments will contribute to the demand for additional park and recreation space, and that this apartment development provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to the New York State Town Law, Section 274-a, payment of the Town's recreation fee shall be required for each dwelling unit in this apartment development, payable to the Town upon the issuance of the original building permit for each dwelling unit. A note that indicates this requirement shall be added to the plan.
3. So long as it is required by Public Health Law and any other laws governing sanitary sewers, the sanitary sewer system for this proposed development, including the proposed pump station shall remain separated from the existing apartments' system, and shall not be offered for dedication to the Town Of Greece. Utility plans shall be revised to include the connection to the existing public sanitary sewer, and shall be subject to approval by the Chief Engineer and Commissioner of Public Works.
4. No final Planning Board approval signature shall be added to the plans unless and until the Storm Water Pollution Prevention Plan Acceptance Form has been signed by the town's Storm Water Management Officer.
5. No building permits shall be issued unless and until the Applicant executes a Storm Water Facility Maintenance Agreement for maintenance of the proposed storm water management pond. Such agreement shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.
6. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been prepared and provided to the Town for review. No building permits shall be issued for any of the lots in this subdivision unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk.
7. Any Town of Greece approval or permit for the Premises does not relieve the Applicant, developer, or owner of the Premises from obtaining all other town, county, state, or federal government approvals or permits that are required for the Premises. A note that indicates this requirement shall be added to the plan.
8. Addresses for each building shall be added to the plan and shall be subject to approval by the Fire Marshal.
9. The landscaping on the Premises shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any dead plants with the same species or a similar species. The replacement plant shall

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be no smaller than the previous plant when it originally was installed. A note that indicates these requirements shall be added to the plan.

10. Upon completion of construction of the storm water management pond, the Applicant shall provide certification that such pond was constructed as designed and approved. Such certification shall be provided in the form of an as-built topographic survey with pertinent utility structures shown, prepared by a New York State Licensed Land Surveyor. No final approval signatures shall be placed on the site plan unless and until the Applicant has submitted to the Town a financial guarantee (such as a letter of credit, certified check, or other acceptable instrument), in an amount approved by the Town's Commissioner of Public Works and the Town Attorney, that is sufficient to properly construct the proposed pond, and to provide the aforementioned certification. No release of such financial guarantee shall be made unless and until the improvements and certification are completed to the satisfaction of the Town's Commissioner of Public Works and the Town Attorney.
11. Prior to the issuance of a Final Certificate of Occupancy for the Premises, The Applicant shall provide certification verifying proper installation of landscape areas on the site in accordance with the landscape plan approved by the Planning Board, and in accordance with the Town's Landscape Guidelines for Development. Such certification shall be on the certification form provided in such guidelines and shall be completed by a New York State Licensed Landscape Architect. A note that indicates these requirements shall be added to the plan.
12. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building. A note that indicates this requirement shall be added to the plan.
13. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
14. The locations of the designated fire lanes shall be shown on the Site Plan.
15. The locations of all exterior doors shall be shown on the plan. All exterior doors shall be connected by a sidewalk to an acceptable fire safety zone.
16. Suitable access roads and temporary street signs shall be installed and maintained so as to provide continuous access to fire department and other emergency vehicles prior to the commencement of any above ground construction. A note that indicates these requirements shall be added to the plan.
17. Permanently mounted "No Parking – Fire Lane" signs shall be posted along the fire lanes at intervals of 50 feet or less. A note that indicates this requirement shall be added to the plan.
18. The August 28, 2008, Federal Emergency Management Agency flood zone and map source for the Premises shall be added to the site plan. In addition, the boundaries (if any) and boundary designations shall be added to the plan.
19. A 5-foot-wide concrete sidewalk and a sidewalk easement to the Town of Greece is required along the Long Pond Road frontage of the Premises and shall be shown on the site plan prior to final signatures, unless otherwise waived by the Town Board.

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The Premises shall include the existing apartment complex, which together with the proposed development, is intended to function as a single, integrated site.

20. Subject to approval by the Town's Fire Marshal, Chief Engineer, and Commissioner of Public Works.
21. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
22. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
23. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
24. As offered and agreed by the Applicant, a guard rail or other similar structure shall be installed in the vicinity of the south side of the proposed new Long Pond Road access driveway to prevent vehicles from going over the slope located in that area. Such guard rail or other similar structure shall be designed, located, and installed to the satisfaction of the Planning Board Clerk and Chief Engineer.

VOTE:

Ancello - absent
Marianetti - yes
Selke - yes

Burke - absent
Plouffe - yes
Sofia - absent
Fisher - yes

MOTION CARRIED
APPLICATION APPROVED
WITH CONDITIONS

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SPECIAL PLANNING TOPIC

1. Applicant: New York State Department of Transportation

Location: Lake Ontario State Parkway, Route 947A (south of Manitou Beach Road and north of Hogan Point Road, between West Creek and Braddock Bay)

Request: Approval of New York State Department of State Coastal Assessment Form for rebuilding the bridge over Salmon Creek at the Lake Ontario State Parkway

Zoning District: PL (Public Land)

The following is a synopsis of the discussion pertaining to the above-referenced request:

Mr. Copey: Heading west on the Lake Ontario State Parkway and exiting at Manitou Beach Road, there is a parking area with a path along the Parkway right-of-way to get to the bridge over Salmon Creek. The New York State Department of Transportation (NYSDOT) plans to replace the bridge. In meetings with the NYSDOT, the Town expressed safety concerns over parking and standing on the bridge to fish. The NYSDOT responded that they have money in their budget to provide a paved path (at least recycled asphalt, if not a full top coat) from the parking lot to the Parkway right-of-way, near the Braddock Bay Fish and Wildlife Management Area, and build a fishing platform at the end of the path. The NYSDOT will not have a refuse container on site. This would require the Town of Greece to remove the trash weekly, which is something that the Town does not want to get into. There will be signage for persons to carry out their refuse. Because they are replacing the bridge, the NYSDOT is requesting that we determine if their plans are consistent with the Local Waterfront Revitalization Program (LWRP).

Mr. Fisher: What they are proposing is definitely right in line with the LWRP. They are maintaining and enhancing public access to a waterway.

Mr. Selke: A lot of people want to fish there.

Ms. Plouffe: Will the fishing platform be similar to the one on Ridgeway Avenue?

Mr. Copey: No, it won't be concrete. It will be more like the one on North Greece Road on Buttonwood Creek.

Mr. Selke: We've looked at doing something similar to this for disabled veterans in the past.

Mr. Copey: That's a good point. In the Board's LWRP determination, the Board could recommend that the NYSDOT make this handicap accessible, if the grade allows it. Board has the opportunity here to raise that point.

Mr. Fisher: It would provide an opportunity for another element of the community. We would want to communicate that it should be handicap accessible.

Motion by Ms. Plouffe, seconded by Mr. Selke:

WHEREAS, the New York State Department of Transportation (NYSDOT) will undertake a project to replace the Lake Ontario State Parkway bridge over Salmon Creek and provide an improved public trail and fishing access platform; and

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WHEREAS, the NYSDOT has requested that the Planning Board make a recommendation on the Determination of Consistency, pursuant to the Town's Local Waterfront Revitalization Program; and

WHEREAS, the Code of the Town of Greece, New York, §208-4 (Waterfront Consistency Review Law), authorizes the Planning Board of the Town of Greece to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the Town of Greece Local Waterfront Revitalization Program policies and standards; and

WHEREAS, the Planning Board makes the following findings:

1. The Planning Board finds that the proposal will advance the following policies and standards, described in greater detail in the Town of Greece Local Waterfront Revitalization Program ("LWRP"):
 - a. Maintain adequate public access to the shoreline, including handicapped accessibility;
 - b. Facilitate the siting of water-dependent uses and facilities on or adjacent to the coastal waters of the Town of Greece;
 - c. Encourage and expand recreational fishing facilities to promote recreational fishing opportunities;
 - d. Revitalize the deteriorated and underutilized waterfront areas of the Town of Greece;
 - e. Ensure that development occurs where adequate public infrastructure is available;
 - f. Minimize flooding and erosion hazards; and
 - g. Safeguard economic, social, and environmental interests in coastal areas.

NOW, THEREFORE be it

RESOLVED that the Planning Board finds the Proposal to be consistent with the Town of Greece Local Waterfront Revitalization Program policy standards and conditions and, in accordance with the Code of the Town of Greece, §208-(5)(H), hereby recommends that the approving agency render a Determination of Consistency, and further recommends that the fishing access be fully accessible to the handicapped.

VOTE:	Ancello	- absent	Burke	- absent
	Marianetti	- yes	Plouffe	- yes
	Selke	- yes	Sofia	- absent
			Fisher	- yes

MOTION CARRIED

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2. Applicant: CLB Developers, Inc.

Location: 500 Elmgrove Road

Request: Request for rezoning recommendation for the Parkside Landing Senior Living Community, consisting of 24 one and two-story, wood-frame townhouses, with related parking, utilities, grading, and landscaping on approximately 7.22 acres

Zoning District: RMS (Multiple-Family Residential, Senior)

Mon. Co. Tax No.: 088-04-4-9

The following is a synopsis of the discussion pertaining to the above-referenced request:

Mr. Fisher: This project was approved previously but didn't move forward?

Mr. Copey: Yes, the rezoning approval expired. I copied our previous recommendation for your review. We will see them back before this Board for site plan re-approval.

Motion by Selke, seconded by Marianetti:

Recommend to the Town Board re-approval of the rezoning.

VOTE:	Ancello	- absent	Burke	- absent
	Marianetti	- yes	Plouffe	- yes
	Selke	- yes	Sofia	- absent
			Fisher	- yes

MOTION CARRIED

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ADJOURNMENT: 8:00 p.m.

APPROVAL OF PLANNING BOARD MEETING MINUTES

The Planning Board of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____
Chairman

Date: _____